

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-17 are currently pending. Claims 1, 9 and 17 are independent.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-17 were rejected under 35 U.S.C. §103(a) as allegedly anticipated by U.S. Patent No. 5,841,740 to Fijita et al. (hereinafter, merely "Fijita") in view of U.S. Patent No. 6,236,802 to Yamamoto.

Claims 5 and 13 were rejected under 35 U.S.C. §103(a) over Fijita and Yamamoto further in view of Japanese Patent No. JP 10-341389 (translation in U.S. Patent No. 6,434,323) to Hayashi.

Claims 8 and 16 were rejected under 35 U.S.C. §103(a) over Fijita and Yamamoto further in view of U.S. Patent No. 5,995,471 to Saoyama et al. (hereinafter, merely "Saoyama").

Applicant respectfully traverses these rejections.

Claim 1 recites, *inter alia*:

"recording/reproducing means for recording/reproducing material including video and/or audio data from a non-linearly accessible recording medium;

...

a control panel having respective controllers for automatic edit processing and preview processing to emulate a linearly accessible recording medium editor,

...

wherein a recorded file is reproduced when in automatic edit processing, and a

virtual file list is prepared when in preview processing on the non-linearly accessible recording medium.”

Claim 1 recites at least two elements not found
in the prior art references in combination with the other elements recited.

First, claim 1 recites a device for “recording/reproducing material including video and/or audio data from a non-linearly accessible recording medium.” Claim 1 then recites the device includes “control panel having respective controllers . . . to emulate a linearly accessible recording medium editor.” That is, the present invention provides editing on a non-linearly accessible device BUT has a control panel having controllers that are characteristic of editing on a linearly accessible recording medium. Thus, the present application claims a device having controllers as on a linear medium editor when actually editing on a non-linear medium. This is counter-intuitive because one would expect a control panel for editing on a non-linearly accessible medium to have corresponding controllers.

An example of a control panel of the present invention is illustrated in FIG. 2 that enables recoding/reproducing editing on non-linearly accessible medium using a control panel having buttons familiar in linearly accessible recording media. An example of operation is illustrated in FIG. 15. In the preview reproduction processing, a virtual file list (VFL) for preview to sequentially reproduce data from the preroll point to the postroll point set at respective material data on the basis of this VFL for preview. Preview processing reproduces material to display images based on VFL for preview to and enable preview reproduction. It is not merely the pre-roll and post-roll that distinguishes the present invention, it is the controllers that emulate editing on linear medium when actually editing on a non-linear medium.

The present invention is distinguishable from Fijita and Yamamoto that each has controllers appropriate for the respective recording media on which each performs editing operations. That is, Fijita has controllers appropriate for editing non-linearly accessible recording media while Yamamoto provides controllers for editing on linearly accessible recording media (video tape). In contrast, the present invention counter-intuitively provides a control panel with controllers used in linear editing when actually editing on a non-linear medium.

It is part of applicant's invention to provide controllers as on a linear medium editor when actually editing on a non-linear medium. Applicant asserts that his invention uses these concepts to achieve the "feel" of editing on a linear recording medium by using linear editing controls when actually editing on a non-linearly accessible recording medium.

Fijita (that edits on non-linearly accessible recording media) has neither a teaching nor suggestion nor reason for using controllers associated with editing on linearly accessible recording media. Similarly, Yamamoto (that edits on linearly accessible recording media) has neither a teaching nor suggestion nor reason for using controllers associated editing on non-linearly accessible recording media.

Second, claim 1 recites, "a recorded file is reproduced when in automatic edit processing, and a virtual file list is prepared when in preview processing on the non-linearly accessible recording medium." That is, in the automatic editing processing, such an approach is employed to prepare a virtual file list (VFL) to sequentially reproduce data from the preroll point to the postroll point in accordance with editing points set at respective material data on the basis of this

VFL to store the VFL as its editing result into a file management section. That is, file management is controlled to prepare VFL on the basis of in-points and out-points set every respective material data. In this case, in the automatic editing processing, unlike the preview reproduction processing, the VFL file is stored into memory or the HDD included within the file management section as editing result. Page 29, line 2 to page 31, line 18 and FIGS. 2 and 15.

The Office Action points to Yamamoto FIGS. 10-11, and col. 7, line 52 to col. 8, line 50 for the above feature of claim 1. However, at those locations there is no mention that “a recorded file is reproduced when in automatic edit processing, and a virtual file list is prepared when in preview processing on the non-linearly accessible recording medium” as recited in claims 1. Yamamoto discloses at the cited locations editing from two media sources in windows and previewing the edited video material. Indeed, there is no suggestion or mention whatsoever that a recorded file is reproduced when in automatic edit processing, and a VFL is prepared when in preview processing on the non-linearly accessible recording medium.

Hayashi and Saoyama do not add the elements missing from Fijita and Yamamoto as discussed above.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claims 9 and 17 are also believed to be patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

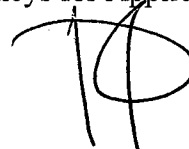
Claims 1-17 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant(s)

A handwritten signature in black ink, appearing to be 'PA' or similar, written over a horizontal line.

By: _____

Paul A. Levy
Reg. No. 45,748
(212) 588-0800